

GAHC010192732024



2024:GAU-AS:11691

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Bail Appln./2836/2024

ASHIKUR RAHMAN @ ASHIKUL HOQUE
S/O NUR HUSSAIN
VILL- ROWAH PT.II
P.S. AND DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR.
REPRESENTED BY THE PP, ASSAM

2: BASIRAN BIBI
W/O NUR ISLAM
VILL- ROWAH PT.II
P.S. AND DIST. DHUBRI
ASSAM
PIN-78332

Advocate for the Petitioner : MR. M MONDAL, MR M CHOUDHURY

Advocate for the Respondent : PP, ASSAM, MS ASFIA AHMED(R-2), MAHIBUR RAHMAN (R-2)

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

26.11.2024

1. Heard Mr. N. Uddin, learned counsel for the petitioner Ashikur Rahman @

Ashikul Hoque.

2. The petitioner has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since 16.05.2024 in connection with Special Case No. 251/2023 arising out of Dhubri P.S. Case No. 333/2023 under Sections 354(D)/448/376/511 of the IPC read with Section 4 of the POCSO Act.

3. Heard Mr. K. Baishya, learned Additional Public Prosecutor, Assam for the respondent State and Mr. M. Rahman, learned counsel for the respondent No. 2.

4. The learned counsel for the Respondent no. 2 has raised serious objection stating that the petitioner's family members have been threatening the victim and her family members and they have been exercising pressure on the victim's family members to withdraw this petition against the petitioner.

5. Learned Additional Public Prosecutor has also raised serious objection stating that the evidence of the witnesses are yet to be recorded and there is every possibility that trial may be adversely affected if the petitioner is admitted to bail.

6. I have scrutinized the scanned copies of the Trial Court Records and the scanned copies of the Case Diary. I have considered the submission that the petitioner is willing to abide by any stringent bail conditions if imposed upon him. Evidence of the victim have already been recorded.

7. Considering all aspects, the petitioner is enlarged on bail of Rs. 50,000/-, with 2 suitable sureties of like amount to the satisfaction of the Learned Special Judge under the conditions that :

(i) The petitioner shall not go

anywhere near the vicinity of the victim,

(ii) The petitioner shall not exercise threats to the witnesses or to the victim,

(iii) The petitioner shall not try to Influence witnesses or temper with the evidence, and

(iv) The petitioner shall not leave the jurisdiction of the Court without prior permission till completion of investigation.

8. On breach of any of the bail conditions, the learned Court is at liberty to cancel the bail granted to the petitioner.

9. In terms of the above observation, bail application stands disposed of.

JUDGE

Comparing Assistant